



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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July 28, 2011

Ref: ENF-L

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1675 Broadway, Suite 2300
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Mr. Kevin Murray, Esq.
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201 South Main Street
Salt Lake City, Utah 84111-2266

Dear Ms. Potter and Mr. Murray:

Thank you for the time you have spent working with me trying to find a resolution to the waiver and information-sharing issues in Paragraphs 111 and 71, respectively. After careful review of the latest drafts from each party, it has become apparent that resolution of these issues is growing more distant. As I have indicated to you, EPA has drafted its own proposed language in order to bridge that gap.

The goal of the proposed waiver language in Paragraph 111 is to ensure that necessary protection of human health and the environment continues despite the waiver, while providing enough choices of forum to ensure that the waiver is meaningful for UPCM. Please note that the State of Utah is still considering its role in Paragraph 111, Exhibit A and will notify us when a decision has been made.

EPA has changed Paragraph 71 to indicate that all the information produced pursuant to the consent agreement would be publicly available. Limitations have been established on the uses of that information and the manner in which it is communicated.

It has almost been a year since EPA started this negotiation with Park City and UPCM. If it is not possible to resolve the waiver issue immediately, EPA must move forward through other means to start addressing contamination at what we have called Operable Units 3 & 4. The language offered herein is meant to be a final alternative for such resolution. Therefore, while EPA will accept a comment on glaring omissions or inaccuracies, it will not accept any new

language proposals from the parties. Please convey to me your clients' acceptance or rejection of the proposed language by August 15, 2011. If a rejection is received from either party, the negotiations will be concluded. Please call me if you have any questions.

Sincerely,

Matt Cohn
Legal Enforcement Program

cc: Joan Card, Park City
Thomas Daley, Park City
Mia Bearley, EPA
Kathy Hernandez, EPA
Maureen O'Reilly, EPA
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